REMARKS

Applicant expresses appreciation to the Examiner for consideration of the subject patent application. This amendment is in response to the Office Action mailed March 24, 2004.

Claims 1-19 were originally presented. Claims 1-19 were rejected and remain in the application. The informalities in claim 12 have been amended to replace "a ticket receiving unit" with "the ticket receiving unit".

Claim Rejections - 35 U.S.C. § 102

Claims 1 and 4-19 (including independent claim 1, 9, and 13) were rejected under 35 U.S.C. § 102(b) as being anticipated by Kay (US 6,223,166).

In order to clearly explain why the claims presented herein are allowable, Applicant would like to discuss the prior art patent Kay, and then the claims of the present invention will be contrasted with Kay. Particularly, Kay teaches a hybrid ticket system that allows a user to electronically purchase a ticket from Internet using a desktop computer or using a kiosk). Then the user can print a hardcopy of the ticket on a piece of paper. See FIG. 1 and the element named "Hard Copy Ticket". Kay's tickets also include a cypher in the ticket that will be decoded or decrypted by a handheld ticket reader using an asymmetric or symmetric key. As illustrated by Kay and the prior art discussed in the first office action, those skilled in the art of electronic ticketing have been locked into the mindset that tickets must be printed on paper before they can be used. However, printed paper tickets are inconvenient and expensive.

In contrast, the present invention does not need to print out a paper copy of a ticket. After the ticket is electronically purchased, then the ticket is downloaded and stored in a portable

computing device with a video display output or data output. This video display output can be scanned by a ticket accepting machine at the event. For example, the ticket can be scanned directly from the liquid crystal display (LCD) screen or another video screen of the portable computing device.

Claim 1 of the present invention now includes "downloading the electronic ticket to a portable computing device having a video display output". This is not taught or suggested by Kay who teaches printing out a ticket from a desktop computer or kiosk. See FIG. 1 element 12 and FIG. 4 of Kay. The Office Action has stated that a portable computing device can be interpreted broadly. However, the detailed description of the present invention defines a portable computing device as, "a laptop, tablet computer, electronic organizer, Palm Pilot or a cell phone." (Page 8, paragraph 20, first sentence) Thus, the limitation of a portable computing device with a display screen should be interpreted based on this definition from the detailed description.

Claim 1 of the present invention also includes the limitation of "enabling activation of the electronic ticket by displaying the electronic ticket via the video display output, wherein the electronic ticket is optically communicated to a ticket receiving unit." Kay does not teach or suggest displaying an electronic ticket using a video display output. This claim includes the further limitation of communicating the ticket directly from the video display output to the ticket receiving unit.

The Office Action stated that the portable computing device is a piece of paper and the paper surface is a display output. Based on the definition of a portable computing device in the detailed description, it can be seen that the portable computing device is not a piece of paper as is

well known to those skilled in the art because a "laptop, tablet computer, electronic organizer, Palm Pilot or a cell phone" is significantly different than a piece of paper. A paper ticket cannot be obtained wirelessly while a user is in transit and a paper ticket cannot be modified instantaneously.

In fact, Kay teaches away from the present invention because Kay teaches that downloaded tickets must be printed. This leads one to believe that a ticket must be printed and handed to a ticket taker in the traditional way. Specifically, Kay states that an object of the invention is to provide a cipher encoded ticket so that the tickets may be printed out on paper. In contrast, the present invention enables true electronic ticket acceptance with significant ticket purchase flexibility.

Claim 4 includes the patentably distinct subject matter of "downloading the electronic ticket to the portable computing device using a wireless communication link." The prior art does not teach or suggest being able to download an electronic ticket wirelessly. When combined with claim 1, this allows a user to optically communicate the electronic ticket to the ticket receiving unit after it has been wirelessly obtained. For example, this method can benefit a user because the user can stand at the entrance of a sporting event and purchase an electronic ticket wirelessly over the Internet. Then the user can provide that ticket to the ticket receiving unit just a few seconds later for entry to the sporting event. These claimed limitations are not provided or suggested by the prior art. These same arguments also apply to claims 5 and 6.

Claim 7 includes the step of, "optically communicating the electronic ticket to the receiving unit using an infrared communication link." Claim 7 has been cancelled and replaced by the new claim 20 which includes the subject matter of former claim 7. The prior art does not

teach or suggest communicating an electronic ticket from a portable computing device to a ticket receiving unit using an infrared communications link. The Office Action has cited that Kay teaches this limitation in column 4, lines 42-54. A detailed examination of this passage of Kay reveals that he is describing a laser scanner that reflects off paper to detect the ticket. Scanning paper bar codes is significantly different than transferring a ticket using infrared communications. Kay does not teach or suggest using an infrared communication link so transmit a ticket between a portable computing device and a ticket taking device.

With regard to claim 9, the arguments described above apply and claim 9 includes the patentably distinct subject matter of "accepting the electronic ticket by optical communication between the visual display output and the ticket receiving unit." In addition, claim 9 includes the step of "providing entry to the ticketed event after the electronic ticket has been accepted". The arguments previously discussed also apply to claims 10-12.

With regard to claim 13, the claim includes the limitation of "accepting the electronic ticket by optical communication between a display output and a ticket receiving unit." The prior art of Kay (even combined with Freeman) does not teach or suggest the method of optically communicating an electronic ticket from a display output to a ticket receiving unit as defined in the specification. Claim 13 includes the additional step of, "providing amenities to a ticket user based on the accepted ticket." The prior does not teach or suggest this step of providing amenities in combination with the step of accepting the electronic ticket by optical communication between the display output to a ticket receiving unit. Accordingly, claim 13 should be allowed.

With regard to claims 14 – 19, the prior art does not teach or suggest providing a discount for concession items (claim 14) or allowing an electronic event program to be downloaded and viewed (claim 18) based on the ticket optically communicated from the display output. In addition, the prior art does not teach or suggest providing an event map via remote communication (claim 15) or providing directions to a person's seat at the ticketed event (claim 16). Further, the present invention comprises the steps of providing directions to a person's seat at the ticketed event based on a location of a ticket receiving unit where the person entered the ticketed event (claim 17) and providing a map that is customizable based on the electronic ticket (claim 19). Particularly, the amenities are provided in response to the scanning of the ticket from the display output. Providing the defined amenities in response to a electronic ticket communicated by the display output of a portable computing device is not taught or suggested by the prior art.

Claim Rejections - 35 U.S.C. § 103

Claims 2 and 3 were rejected under 35 U.S.C. § 103 as being unpatentable over Kay in view of Freeman. Claim 2 has been cancelled and has been amended to be included in claim 1. Claim 3 further includes the patentably distinct subject matter of, "displaying the electronic ticket on the video display output in the visual form of a bar code that is optically scannable by a ticket receiving unit." The prior art does not suggest displaying an electronic ticket as a bar code on a video display output. In contrast, the prior art teaches that a bar code must be printed in order to be read into a ticket receiving unit.

The Office Action has asserted that it would be obvious to one of skill in the art to combine Freeman and Kay, but has cited no basis for that assertion. The Office Action has stated that Freeman teaches a video display output. Even if Kay were combined with Freeman, this would provide a paper ticket from Kay with a portable computing device that can display "a video clip or slide-show". See Freeman, column 7, lines 9-14. Specifically, the Freeman reference does not teach anything related to communicating an electronic ticket using a video display and the Kay reference does not overcome that deficiency. While Freeman uses what can be considered a portable computing device, Freeman makes no reference to tickets because Freeman is only used as a smart card with financial account balance data. Neither Freeman nor Kay, individually or combined, teach or suggest the limitations of the present invention.

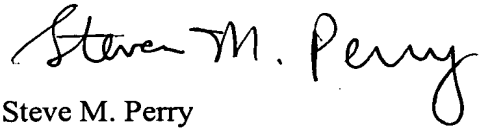
CONCLUSION

In light of the above, Applicant respectfully submits that pending claims 1, and 2-19 are now in condition for allowance. Therefore, Applicant requests that the rejections and objections be withdrawn, that the claims be allowed and passed to issue. If any impediment to the allowance of these claims remains after entry of this Amendment, the Examiner is strongly encouraged to call Steve M. Perry at (801)566-6633 so that such matters may be resolved as expeditiously as possible.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 08-2025.

DATED this 16th day of June, 2004.

Respectfully submitted,



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